

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/8/10 has been entered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 16, 18, 19-22, and 24-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Meerholz et al (2004/0054152)

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Meerholz et al disclose a polymeric material “doped” with a compound having an oxetane structure meeting the instant claim limitations (see abstract and [0016]-[0021], combined with a photoacid generator, optionally a stabilizer, sensitizer, or other conventional additives, and a solvent. The oxetane group replaces a hydrogen atom of the polymeric material [0138]. The method of crosslinking/ doping employs the same method steps and materials as the instant claims (same onium compound and solvent; [0178]), and is irradiated with UV, heated treated/ conditioned for a time of 3 minutes at a temperature of 200 degrees C, the rinsed with a THF solvent having a reducing agent admixed therein (LiAlH₄). While the reference does not provide the details as to the wavelength of the photoacid, the compounds and dose in the method of the reference appear to be the same as those in the instant invention (claims 2, 16), therefore it appears that these claim limitations are also met. The onium compound is employed within the instantly claimed amount. Claim 22 is a product by process claim, therefore the claim simply requires a semiconducting layer having oxetane groups replacing some hydrogens of the polymer in the layer.

Allowable Subject Matter

3. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 9/8/10 have been fully considered but they are not persuasive. Applicant has argued that the reference of record fails to teach or suggest each and every claim limitation, specifically that the irradiation is carried out at a wavelength where the

absorbance of the onium salt compound is at most 5%, therefore outside the absorbance of the compound. As discussed previously, while applicant points to the one example, wherein the exposure does is at 302, the reference clearly teaches and contemplates exposing to UV via a high pressure Hg lamp, which exposes at a wavelength of between 310 and 350 nm (as evidenced by Dobrusskin et al [4,155,025]). Applicant has argued that reference does not actually suggest to one of ordinary skill in the art to employ the HG lamp (it does, in [0153]), and by specifically mentioning that light source, and not in a laundry list of possible light sources, the reference specifically contemplates and directs one of ordinary skill in the art to employ such a light source, while at the same time directing them to perform the crosslinking within that range, even without directly spelling out that light of 310-350 nm is suitable. The mention that the Hg lamp is a light source suggested to one of ordinary skill in the art, at the same time states that a light source in a range of 310-350 may be used. Therefore, given the specific teaching to expose the material employing such a lamp which will expose in the 310-350 range, it appears that the reference contemplates UV exposure doses of not only 302 nm. Furthermore, applicant has argued that it would be unlikely that the absorbance will fall outside of the absorption. While the 5% or less is now claimed, as stated previously, merely stating that it is *unlikely* to fall within that 5% range is not persuasive absent evidence to support the claim, especially given that the compounds of the reference anticipate those of the instant invention, and the reference teaches a method employing a light source wavelength outside the absorption of those compounds (310-350). Therefore, the rejection of record is maintained.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C. Walke whose telephone number is 571-272-1337. The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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